

APPROVED

By tpratt at 11:13 am, Oct 01, 2014

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

ELI LILLY AND COMPANY,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:10-cv-01376-TWP-DKL
)	
TEVA PARENTERAL MEDICINES, INC.,)	
APP PHARMACEUTICALS, LLC,)	
PLIVA HRVATSKA D.O.O.,)	
TEVA PHARMACEUTICALS USA, INC., and)	
BARR LABORATORIES, INC.,)	
)	
Defendants.)	
_____)	

STIPULATED PROCEDURES FOR TRIAL ON INFRINGEMENT

The parties agree to follow the below guidelines and procedures regarding pre-trial filings for the January 29, 2015 trial and related matters:

1. On **December 19, 2014** the parties shall:
 - a. Disclose to opposing counsel the identity of the one (1) witness they intend to call at the trial;
 - b. Exchange a list of all exhibits, including graphs, charts and the like, that will be used during the trial. Documents that were on a parties' exhibit list during the August 2013 trial shall use the same exhibit number. To the extent they have not already done so, the parties shall provide copies of the numbered exhibits to opposing counsel;
 - c. If a party intends to offer any depositions into evidence during the party's case in chief, it shall provide opposing counsel with a list of the portions of the deposition(s), including the specific page and line numbers, that will be read, or, in the event of a video-taped deposition, the portions of the deposition that will be played, designated specifically by counter-numbers.

2. On **January 9, 2015**, the parties shall:
 - a. Exchange any objections to the opposing side's exhibit list; and
 - b. Exchange any objections and counter-designations to any deposition testimony designated by the opposing side.
3. On **January 12, 2015**, the parties shall exchange any objections to any deposition counter-designations.
4. On **January 15, 2015**, the parties shall file with the Court:
 - a. The parties' pre-trial briefs, each of which is not to exceed 20 pages; and
 - b. The parties' respective exhibit lists and any objections thereto.
5. Demonstrative exhibits the parties intend to use at trial do not need to be included on their respective lists of trial exhibits. The parties will exchange, by noon on **January 28, 2015**, (a) any demonstrative exhibits to be used in the direct examination of a witness; and (b) any demonstrative exhibits to be used during their opening statements. The notice provisions of this paragraph shall not apply to demonstrative exhibits created by a witness or that witness's examining counsel during that witness's testimony at trial or the enlargement, simple highlighting, ballooning, or excerption of trial exhibits or testimony.
6. Any objections to demonstratives provided by the other side as set forth in the preceding paragraph shall be provided by 8:30 p.m. on **January 28, 2015**. Within one hour of receipt of the objections, the parties shall meet and confer regarding those objections to see if any disputes can be informally resolved.
7. The parties shall make available for inspection any physical exhibits to be used at trial, labeled with the exhibit number. Access to the opposing side's physical exhibits shall be at such time and place and under such circumstances as are reasonable and mutually agreed to.

8. Each party reserves the right to use exhibits from the other party's trial exhibit list, even if not separately listed on its own exhibit list. The listing of a document on a party's exhibit list is not an admission that such document is relevant or admissible when offered by the opposing side for the purpose that the opposing side wishes to admit that document.

9. Each party reserves the right to offer exhibits not set forth in its exhibit list for purposes of impeachment. Each party also reserves the right to add, for good cause shown, additional exhibits to the exhibit list.

10. The parties stipulate to the authenticity of all exhibits, except where specifically indicated on an exhibit list.

11. By noon on **January 28, 2015**, the parties will give one another notice of the exhibits to be offered in evidence through direct or cross examination of any witness. The parties shall exchange any objections to such exhibits by 8:30 pm on **January 28, 2015**. Within one hour of receipt of the objections, the parties shall meet and confer regarding those objections to see if any disputes can be informally resolved. The parties agree that they do not need to provide advance notice of exhibits that they will use on cross-examination but do not intend to offer into evidence through the witness being cross-examined.

12. The parties anticipate that as trial approaches they may be able to narrow the amount of deposition testimony that will be offered. The parties agree to exchange final lists of the portions of depositions that they intend to offer at trial by **January 22, 2015**.

13. The parties anticipate using audiovisual equipment in the courtroom to present evidence. To the extent possible, the parties agree to share the evidence presentation equipment. The parties will coordinate the use of such equipment, and any additional equipment, that may be needed, with the Court.

/s/ David M. Krinsky

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